



C.R.P.(MD) No.1519 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2023

CORAM

THE HON'BLE **MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI**

C.R.P.(MD) No.1519 of 2023

P.Nallusami

... Petitioner

Vs.

1.Karuppanna Gounder (Died)

2.K.Thangavel

3.K.Selvaraj

4.K.Natesan

... Respondents

Prayer:- This Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned Sub Judge, Karur to dispose of the Execution Application pending in E.A.No.50 of 2011 in E.P.No.18 of 2010 in O.S.No.254 of 1995 in a time bound manner.

For Petitioner	: Mr.A.Mohamed Ismail
For R3 & R4	: Mr.S.Gokulraj
For R2	: No appearance

ORDER

This Civil Revision Petition is preferred by the plaintiff in O.S.No.254 of 1995 for early disposal of E.A.No.50 of 2011 in E.P.No.18 of 2010 in O.S.No. 254 of 1995 on the file of the Subordinate Court, Karur.



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2. According to the petitioner, he had entered into an Agreement with the respondents dated 11.01.1995 for purchase of the suit property. Since the respondents failed to perform as per the Agreement dated 11.01.1995 and failed to execute the Sale Deed in favour of the petitioner, the petitioner filed a suit in O.S.No.254 of 1995 before the Sub Court, Karur. After contest, the suit was decreed on 09.11.2000, against which, the respondents preferred an appeal before this Court in A.S.No.450 of 2011. The said appeal was also dismissed by this Court on 22.07.2009 confirming the Trial Court Judgment.

3. It is submitted that even after the finality of the case, the respondents did not execute any Sale Deed in favour of the petitioner and therefore, the petitioner was constrained to file the Execution Petition in E.P.No.18 of 2010. Thereafter, Sale Certificate was issued and Sale Deed dated 22.03.2011 was executed in favour of the petitioner by the learned Additional Subordinate Judge, Karur on behalf of the respondents.

4. It is further submitted that the petitioner filed E.A.No.50 of 2011 for taking possession of the suit property and the said E.A. is kept pending without any valid reasons, due to which, the petitioner is unable to enjoy the fruits of



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the decree. Hence, the petitioner approached this Court for early disposal of

E.A.No.50 of 2011 in E.P.No.18 of 2010 in O.S.No.254 of 1995.

5. The learned counsel appearing for the petitioner would submit that though the decree was passed in the year 2000, till date, the petitioner is unable to get the possession of the suit property. It is submitted that the petitioner is now aged about 82 years and is fighting for his right from his 60s and he could not see the light of the day.

6. The learned counsel appearing for the third and fourth respondents objected the claim of the petitioner for early disposal of E.A.No.50 of 2011 in E.P.No.18 of 2010 in O.S.No.254 of 1995.

7. On perusal of the records, it is seen that E.A. is adjourned for about 180 times without any valid reasons. Considering the same, this Court directs the learned Sub Judge, Karur to dispose E.A.No.50 of 2011 in E.P.No.18 of 2010 in O.S.No.254 of 1995 on merits, without any further delay, expeditiously, within a period of one month from the date of receipt of a copy of this order.



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K.GOVINDARAJAN THILAKAVADI, J.

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8. Accordingly, the above Civil Revision Petition is disposed of. No cost.

25.07.2023

Internet : Yes/No

Index : Yes/No

NCC : Yes/No

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To
The Judge,
Subordinate Court, Karur.

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